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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/775,220	02/11/2004	Peter Althaus	2360-0403P	9996

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BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER

CARIASO, ALAN B

ART UNIT	PAPER NUMBER
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2875

DATE MAILED: 11/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/775,220

Applicant(s)

ALTHAUS, PETER

Examiner

Alan Cariaso

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 August 2006.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-9, 12-14, 16, 17 and 19-36 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☒ Claim(s) 16 and 28-36 is/are allowed.
6) ☒ Claim(s) 2-9, 12, 13 and 19-26 is/are rejected.
7) ☒ Claim(s) 14, 17 and 27 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 20 July 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. Receipt of applicant's amendment filed July 20, 2006 and August 17, 2006 is acknowledged. Claims 2-9, 12-14, 16, 17 and 19-36 are pending. Claims 2, 5-9, 12-14 and 17 are amended. Claims 19-36 are newly submitted.
2. The indicated allowability of claims 9 and 13 is withdrawn in view of the newly discovered reference(s) to MOSHIRNOROOZI (US 2004/0049962 A1) and AYALA (US 2004/0226209 A1). Rejections based on the newly cited reference(s) follow.

Drawings

3. The drawings were received on July 20, 2006. These drawings (new sheet of Figure 4) are accepted.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 9, 2, 5-8, 12, 13, 19 and 22-26 are rejected under 35 U.S.C. 102(e) as being anticipated by MOSHIRNOROOZI (US 2004/0049962 A1).

6. MOSHIRNOROOZI discloses an apparatus for illuminating a sign (fig.1), the apparatus comprising: a unit (frame 1) that is attachable to the sign (display or picture viewing area 4, ¶ 0047); at least one light (LED 3) that illuminates the sign (4); a power supply (battery 12) that is separate from a main power supply; at least one light emitting diode (¶ 0022) spotlight that illuminates an area (fig.1) surrounding the sign (4); and one or more proximity sensors (18,17) or an adjustable time circuit (15, ¶ 0054) for switching the illumination of the sign on and off; wherein the power supply (12) is contained in the unit (holder 11); wherein the light that illuminates the sign is an LED sheet (LED 3 with "transparent plate" as described in ¶ 0047) which is fitted to the sign (4); further comprising attachment elements (turning buttons 14, figs.1 & 3) for attaching the unit (1) to a frame (back plate 5) which surrounds the sign to be illuminated; wherein the unit (1) includes an L-shape (fig.1); further comprising at least one light sensor (17) for controlling or that controls the illumination of the sign or surrounding area.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 3 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over MOSHIRNOROOZI (US 2004/0049962 A1) in view of AYALA (US 2004/0226209 A1).

9. MOSHIRNOROOZI discloses the claimed invention except at least one solar cell and the battery being rechargeable. AYALA teaches a solar cell unit (110, fig.2, page 2, ¶s 0009, 0018) and rechargeable battery (80) for the purpose of collecting ambient light from the room when external is present and converts the light into power stored in rechargeable battery (80) or used to illuminate the LED lights of the picture apparatus.

10. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the picture or display lighting apparatus of MOSHIRNOROOZI to include the type of solar cell and rechargeable battery as taught by AYALA in order to convert external light in the room where the picture/display apparatus is disposed and convert to stored or useable energy to efficiently power the illumination of the display during all hours of desired operation.

11. Claims 4 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over MOSHIRNOROOZI (US 2004/0049962 A1) in view of AYALA (US 2004/0226209 A1) as applied to claims 3 and 20 above, and further in view of JONES (US 6,107,941).

12. Claims 4 and 21 recite the solar cells being adjustably arranged, not disclosed by MOSHIRNOROOZI. JONES teaches an adjustably arranged solar cell (52, col.5, lines 34-36) for the purpose of maximizing solar energy collection. It would have been obvious to one having ordinary skill in the art to modify the sign apparatus of MOSHIRNOROOZI to include the type of mounted solar cell as taught by JONES in order to adjust the positioning of the solar cell to maximize solar energy collection, providing sufficient power or stored power for operation of the lighting device.

Allowable Subject Matter

13. Claims 14, 17 and 27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

14. Claims 16 and 28-36 are allowed.

15. The following is a statement of reasons for the indication of allowable subject matter: Claims 14, 17 and 27 recite limitations not suggested by the prior art of record: means for adjusting an aperture angle and desired direction of a light cone illuminating the surrounding area; and the unit is attached to the sign with at least one attachment point on each limb.

Response to Arguments

16. Applicant's arguments with respect to pending claims have been considered but are moot in view of the new ground(s) of rejection.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alan Cariaso whose telephone number is (571) 272-2366. The examiner can normally be reached on 9-5:30 M-F.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Alan Cariaso
Primary Examiner
Art Unit 2875

October 30, 2006
AC